

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

Sandown Planning Board  
Minutes  
September 15, 2015

**Date:** September 15, 2015

**Place:** Sandown Town Hall

**Members Present:** Ernie Brown - Chairman, Ed Mencis - Secretary, Doug Martin, Lisa Butler – Alternate

**Members Absent:** Matt Russell -Vice Chairman, Steven Meisner, Mark Traeger, Erik Dykeman – Alternate, Terry Treanor - Ex Officio

**Also Present:** Town Engineer - Steve Keach, Andrea Cairns - Recording Secretary

Mr. Brown opened the meeting at 7:43p.m.

Mr. Brown appointed Ms. Butler in for Mark Traeger.

**Continued public Hearing for review of an application for a major subdivision submitted by the Kasher Corporation for a 25-lot open space development. The subject property is located on Wells Village Road and is identified on Map 13, Lot 1. The proposal is to amend a previous approval for a 26-unit over 55 development.**

*Mr. Lavelle and Mr. McCarthy were present.*

Mr. Lavelle reviewed the notice from DES regarding the alteration of terrain permit. Their approval is vested since they have done significant site work. No new alteration of terrain permit is needed.

Mr. Lavelle presented the plan for on-site recreation which is a parking lot and kiosk located on the conservation property off Wells Village Road across the street from the development. He noted that conservation approved the plans at the 9/10/15 meeting.

Mr. Lavelle noted the parking area will be 40ft x 20ft with room for four cars. The opening already exists, they just need to grade it and gravel it. They will remove two trees. They will also build and install a kiosk.

Mr. Lavelle noted the fire chief did not want a road with the word “pond” in it so they changed the road name to Eagle Ridge Road. The fire chief submitted a letter stating the emergency access road was not needed.

Mr. Keach summarized his letter dated 9/15/15.

Mr. Keach noted they will need to get an amended wetlands permit for the road. The state subdivision approval is also still outstanding. They will have an amended subdivision permit because of the reduction in density.

46 Mr. Keach will review the project and put a value on the work that remains to determine  
47 the amount of the surety required.

48

49 Mr. McCarthy noted homeowner's documents have been revised and they will send a  
50 final copy.

51

52 The majority of the recommendations for planning/design matters have to do with getting  
53 the plans ready for final approval before they are to be recorded and are very minor in  
54 nature.

55

56 Mr. Keach suggested they have the cemetery trustees grant permission to put the road  
57 near the cemetery. Mr. Lavelle indicated they did receive approval from them already.

58

59 Site line distance for the road has been established and meets the 350' requirement.

60

61 Mr. Keach noted that the site work that has been done to date has been done according to  
62 the approved set of plans and has been inspected along the way. Since that work has been  
63 completed, the board adopted new road and drainage standards. The extent of the work  
64 that has occurred out there is enough to vest the approval so it is irreversible. The  
65 amended application needs to be reconciled. Mr. Keach read directly from his letter:

66

67 *"Although the previously approved design would continue to satisfy the majority of*  
68 *applicable requirements of the current Regulations, any attempt to bring the project into full*  
69 *compliance with all requirements of the current Regulations would be virtually impossible in*  
70 *that such action would necessitate adjustment of both the vertical and horizontal alignments*  
71 *of the previously approved and substantially constructed interior roadway. Nevertheless,*  
72 *given the extent to which the previously approved and vested project is to be amended under*  
73 *the current application, we believe departures caused by subsequent Regulation amendment*  
74 *should be reconciled as part of any action your Board may elect to take at this time. After*  
75 *giving this matter significant thought we believe the most appropriate means of*  
76 *reconciliation this is to parrot the action of the NHDES Alteration of Terrain Bureau in*  
77 *regard to the same question. In correspondence dated July 09, 2015 the NHDES concluded*  
78 *that it had "determined that the work completed under previously issued AoT Permit WPS-*  
79 *7794, including construction of the road to its base elevation and installation of stormwater*  
80 *infrastructure, represents substantial completion of activities requiring a permit and no*  
81 *additional AoT permitting is required." To the extent possible approval of the current*  
82 *application results in compliance with the former, rather than the current design standards of*  
83 *the Subdivision Regulations, we recommend your Board permit the applicant to complete*  
84 *roadway and infrastructure construction in accordance with the previously approved project*  
85 *plans based on recognition of the substantial extent to which those improvements had been*  
86 *installed prior to suspension of work."*

87

88 Mr. Keach added that Mr. McCarthy could have continued to build the project as is since  
89 it is vested; because the application is seeking to amend a vested project, he agrees that  
90 DES is correct in letting the current design stand. It should be reconciled one way or the  
91 other though. A finding from the board that acknowledges the vesting and allows him to

92 complete it as built is the correct way to go. The only part of the infrastructure that may  
93 change is the layout of the water system. That's only because there are fewer homes.

94  
95 Mr. Keach noted the final comment in his letter has to do with the recreation requirement.  
96 Section 9.23 of the Sandown Subdivision Regulations proposes items that could satisfy  
97 the recreation requirement. This section was written before OSD existed. The 23 acres of  
98 open space needs to account for something. They are also doing the public improvement  
99 on town land for the parking area, which is a great recreational opportunity for current  
100 and future residents. It is an objective finding the board has to reach to determine if what  
101 the applicant is proposing is appropriate.

102  
103 Mr. Lavelle submitted a waiver request for the on-site recreation requirement. Even  
104 though they are proposing both off-site and on-site recreation, he still felt a waiver was  
105 appropriate. He added that they were only required to have 13 acres of open space with 9  
106 dry land acres. They have provided 23 acres of open space with 15 acres being dry land.  
107 So the open space they are providing goes above what the minimum requirement is.

108  
109 Mr. Mencis noted he has given a lot of thought to the recreation requirement. He  
110 recognizes they are doing a lot for the town, but suggested they also provide \$250 per lot.  
111 He was fine if the board didn't agree, but thought a small monetary donation would be  
112 appropriate as well.

113  
114 Mr. Martin felt that the proposal as it was brought forward was excellent.

115  
116 Mr. Lavelle noted they are also extending the right-of-way at the entrance to Wells  
117 Village Road. They have extended it by 10' towards the cemetery so there isn't a small  
118 section of open space left there. It gives the cemetery more space for parking equipment  
119 and easier access for maintenance.

120  
121 Mr. Martin questioned if the board had a history of accepting a proposal like this in lieu  
122 of cash? Mr. Keach noted it's usually the opposite.

123  
124 Ms. Butler felt they are already going above and beyond what they needed to do with the  
125 open space and parking lot.

126  
127 **MOTION:** Mr. Mencis made a motion to grant the waiver for section 9.23 of the  
128 Sandown Subdivision Regulations for on-site recreation requirements. Ms. Butler  
129 seconded the motion. All members voted in favor. The motion passed.

130  
131 **MOTION:** Mr. Mencis made a motion to conditionally approve the application for a  
132 major subdivision submitted by the Kasher Corporation for a 25-lot open space  
133 development. The subject property is located on Wells Village Road and is identified on  
134 Map 13, Lot 1.

135  
136 *The following conditions to apply:*

137     • Receipt of revised/updated state permits as applicable

- 138 • Posting of a performance guarantee, in an amount and form acceptable to the  
139 Town of Sandown
- 140 • Satisfy conditions of approval of conditional use permit application approved by  
141 the Planning Board on September 1, 2015
- 142 • Receipt of correspondence from the Town Engineer confirming technical matters  
143 identified in his letter report of September 15, 2015 have been satisfactorily  
144 resolved
- 145 • Receipt of acknowledgement from town council that homeowner's association  
146 documents are acceptable and in proper form
- 147 • Receipt of written confirmation from appropriate town officials authorizing  
148 roadway construction within 25 ft. of the boundaries of the Wells Village  
149 cemetery pursuant to provisions of RSA 289:3
- 150 • Addition of note to final plan citing extent of recreational accommodations  
151 approved by board pursuant to section 9.23 of the subdivision regulations,  
152 including approval of waiver to permit construction of required recreational  
153 improvements beyond boundaries of project site
- 154 • Maintain positive PREA account balance throughout duration of construction and  
155 public roadway acceptance  
156

157 *Discussion:* Mr. Mencis questioned if they would bond the work they are going to do for  
158 the parking area. Mr. Keach noted he would likely include it in the bond if the work  
159 hadn't been done before the plan was recorded.  
160

161 The entire board agreed that the applicant shall be allowed to continue the road  
162 construction per the 2004 plans except the changes proposed by the applicant on the  
163 current project plans.  
164

165 Mr. Martin seconded the motion. All members voted in favor. The motion passed.  
166

### 167 **Review the 9/1/15 Minutes**

168 **MOTION:** Mr. Martin made a motion to accept the 9/1/15 minutes as written. Ms. Butler  
169 seconded the motion. All members voted in favor. The motion passed.  
170

### 171 **Correspondence**

- 172 • Danville Planning board rescheduled hearing for September 24<sup>th</sup> for Cotton Farm  
173 • DOT doing their 10 year transportation plan and are looking for input from the  
174 towns  
175

### 176 **Budget Review**

177 Members reviewed the budget and agreed to submit the following figures:  
178

179 Payroll: \$15,000

180 Engineering: \$1,500

181 Dues: \$6,000

182 Legal: \$2,500

183 Grants \$2,000

184 Ads: \$1,000  
185 Supplies: \$250  
186 Mileage: \$125  
187 Education: \$250

188  
189 Members discussed applications and building activity. Mr. Keach suggested they increase  
190 projected revenue based on this year's activity and the current trend in surrounding  
191 towns. When you are busy, you produce revenue which offsets expenses. Members  
192 agreed to increase the revenue line item to \$6,000.

193  
194 **MOTION:** Mr. Mencis made a motion to adjourn. Mr. Martin seconded the motion. All  
195 members voted unanimously in favor. The motion passed. MEETING ADJOURNED at  
196 9:17 p.m.

197  
198 Respectfully Submitted,



199  
200 Andrea Cairns